

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BANXCORP,

Plaintiff,

v.

BANKRATE, INC.,

Defendant

Civil Action No. 07-3398 (KM)(MAH)

**DECLARATION OF
MORDECHAI I. LIPKIS, ESQ.**

I, Mordechai I. Lipkis, am counsel for Plaintiff BanxCorp in this matter, and make the following Declaration in Opposition to Defendant Bankrate Inc.'s Motion for Summary Judgment:

1. Attached as Appendix ("Appx") Exhibit H1 is a true and correct copy of a transcript of the deposition of Douglas Lebda taken on April 24, 2012.

2. Attached as Appx Exhibit H2 is a true and correct excerpted copy of LendingTree.com's website screenshots downloaded on January 18, 2008 from <http://www.lendingtree.com/hysa/qform.asp>, bearing Bates numbers BANX0066-BANX0068 (and marked as Exhibit Mehl-1 to the deposition of Norbert Mehl taken on April 16, 2012 by counsel for LendingTree Inc.).

3. Attached as Appx Exhibit H3 is a true and correct copy of a document entitled *Google Link Schemes*, available on the Internet at <http://support.google.com/webmasters/bin/answer.py?hl=en&answer=6635>.

4. Attached as Appx Exhibit H4 is a true and correct copy of a document entitled *comScore Advertising Analytics*, available at http://www.comscore.com/Products/Advertising_Analytics.

5. Attached as Appx Exhibit H5 are true and correct copies of e-mails between Roy Adams of BanxQuote, and Scott Burns of Dallas Morning News, dated January 17, 2003, bearing Bates numbers BX007572-7573.

6. Attached as Appx Exhibit H6 are true and correct copies of e-mails between Norbert Mehl and Roy Adams of BanxQuote dated Jan. 23, Feb. 19 and Feb. 21, 2003, bearing Bates numbers BX007574-7576 (marked during the deposition of Batsheva Mehl as Exhibit BM-15).

7. Attached as Appx Exhibit H7 is a true and correct copy of a document entitled *.com Disclosures*, available at <http://www.ftc.gov/os/2013/03/130312dotcomdisclosures.pdf>.

8. Attached as Appx Exhibit H8 is a true and correct copy of Statement of Federal Trade Commission concerning *Google/DoubleClick*, FTC File No. 071-0170.

9. Attached as Appx Exhibit H9 is a true and correct copy of Degree Verification letter re: Mark Glueck, from American University, Washington DC, dated January 7, 2013.

10. Attached as Appx Exhibit H10 are true and correct copies of e-mails from National Student Clearinghouse online Verification Services (re: degree enrollment record of Mark Glueck at University of Maryland, Baltimore County, and University of Maryland, College Park), Trans.# 103788726: Unable to Confirm, dated January 2, 2103; Trans.# 103782581: Unable to Confirm, dated January 4, 2013.

11. Attached as Appx Exhibit H11 are true and correct copies of Defendant's Rule 26(a) and 26(e) Disclosure Statements filed in this action.

12. Attached as Appx Exhibit H12 is a true and correct copy of a document containing highlighted portions of objectionable statements within Defendant's brief in support of summary judgment (Doc. No. 405-1), as set forth in the accompanying PLAINTIFF'S RULE

56(c)(2) OBJECTIONS TO ADMISSIBILITY OF EVIDENCE AND UNSUPPORTED STATEMENTS OF FACT.

13. Attached as Appx Exhibit H13 is a true and correct copy of Defendant's Responses to Plaintiff's First Set of Requests for Admissions, dated February 25, 2011.

14. Attached as Appx Exhibit H14 are true and correct copies of e-mails between Bankrate's Vice President of Marketing Michael Ricciardelli and Bankrate's Web Marketing Manager Petra Bowman dated February 7, 2007, *RE: Request Automated Omniture Report - Ref: # 927*, bearing Bates numbers BR00039537-BR00039539.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 11, 2013



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